



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Se

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,053	09/27/2001	Guillermo Ruizandrade	3COM-3654.BCG.US.P	4917
7590	03/30/2005		EXAMINER	
WAGNER, MURABITO & HAO LLP			AMSBURY, WAYNE P	
Third Floor			ART UNIT	PAPER NUMBER
Two North Market Street				
San Jose, CA 95113			2161	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/967,053	RUIZANDRADE, GUILLERMO
	Examiner Wayne Amsbury	Art Unit 2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 September 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

CLAIMS 1-24 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 1/25/05 have been fully considered but they are not persuasive.

The extent of the patentable weight of the modifier single in: single database is clear from the specification and the Response of 1/25/05, namely "to provide chronological tracking of a (new) software product." It is agreed that a single location for the chronological data has an efficiency advantage over the inefficiency of gathering and/or calculating data.

However, the focus of Allen on a distributed system has no bearing on this limitation so long as there is a specific location where the chronological tracking of a new software product can be found. This is indeed the case, and was made clear in the rejection, where it is a **local** replica system that is used as a teaching of the invention as claimed (emphasis added). This clearly is a single database in the sense argued by applicant.

As to the comments concerning a client that edits a software product and a (distinct) server that update a directory associated with it, this was addressed in the rejection, and is specified in particular at COL 4 lines 4-5.

The rejections are maintained from the previous rejection, but incorporated below for ease of reference.

3. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al (Allen), US 5,675,802, 7 October 1997.

As to claim 1, Allan is directed to a version control system for geographically distributed software development, including a method for maintaining software product version tracking in a client/server system [FIG 1; SUMMARY]. The local replica system 18 corresponds to a server for remote clients, which stores a plurality of versions within a single database [COL 3 lines 36-64]. This database system traverses a plurality of directories exemplified by the paths of branches of target files [FIG 3-6]. A single user can modify a local replica at any one time [COL 3 lines 58-61], and to store new branches and/or new versions in the local replica [Col 3 line 65 to Col 4 line 5]. Allen tracks changes in a weakly consistent form [COL 3 lines 11-27]. This requires chronological tracking [COL 2 lines 43-67, COL 6 lines 49-58, and elsewhere].

As to **claim 2**, the mater enforcer 34 and exchanger 40 coordinate new versions and make them visible to the remote clients [COL 3 line 65 to COL 4 line 5].

As to **claim 3**, the paths for versions are metadata that are used to track and access versions [COL 4 lines 17-34].

As to **claims 4-7**, the tree tracking structures of Allen are depicted in FIG 3-6 and [COL 6 lines 49-58]. Allen provides for viewing versions, which inherently requires a GUI [COL 6 lines 17-28].

As to **claims 8 and 9**, Allen provides for the use of both wide-area networks and local area networks [FIG 4; COL 1 line 64 to COL 2 line 9; COL 6 lines 29-48]. **Official Notice** is taken that the Internet was a well-known wide-area network at the time of the invention, used for servicing geographical remote sites.

The elements of **claim 10-24** are rejected in the analysis above and these claims are rejected on that basis.

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER